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(incorrectly sued herein as GOG Limited and GOG
8 Poland Sp. Z.o.o.)

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11
12 STARDOCK SYSTEMS, INC.

13 Plaintiff,

14 vs.

15 PAUL REICHE III and ROBERT
FREDERICK FORD,

16 Defendants.

17 AND RELATED COUNTERCLAIM
18

Case No. 4:17-cv-07025

**COUNTER-DEFENDANT GOG SP.
Z O.O.'S RESPONSE TO
STARDOCK SYSTEMS, INC. AND
VALVE CORPORATION'S
REQUEST FOR EMERGENCY
TELEPHONIC CONFERENCE**

[DISCOVERY MATTER]

Judge: Hon. Kandis A. Westmore

1 Counter-Defendant GOG Sp. z o.o. (incorrectly sued herein as GOG Limited
2 and GOG Poland Sp. Z.o.o.) hereby files the following response to Plaintiff
3 Stardock Systems, Inc. (“Stardock”) and Counter-Defendant Valve Corporation’s
4 (“Valve”) Request for an Emergency Telephonic Conference (Dkt. 107) and
5 Defendants/Counter-Claimants Paul Reiche III and Robert Frederick Ford’s
6 (“Reiche and Ford”) response thereto (Dkt. 108).

7 GOG concurs with Stardock, Valve, and Reiche and Ford that an emergency
8 telephonic conference with Magistrate Judge Westmore is warranted so that the
9 parties can have certainty as to whether the depositions currently scheduled to begin
10 on February 11, 2019 in Michigan will go forward. Counsel for GOG is available
11 for the remainder of the day today (February 7, 2019) or tomorrow (February 8,
12 2019).

13 GOG also concurs with Stardock and Valve that a stay of party depositions is
14 appropriate. Reiche and Ford only recently brought GOG into this case and, indeed,
15 GOG responded to their Second Amended Counterclaim just last week by
16 challenging the sufficiency of the pleading (Dkt. 104). GOG has not yet had an
17 opportunity to conduct its own discovery. Moreover, GOG has only recently begun
18 to receive the documents produced in discovery prior to GOG’s addition as a party.
19 In the past two weeks, GOG has received (and is undertaking to review) nearly
20 30,000 pages of documents from Stardock, nearly 9,000 pages of documents from
21 Reiche and Ford, more than 1,200 pages of documents from Valve, and nearly 300
22 pages of documents from third parties. Stardock has also indicated that it will be
23 producing additional documents.

24 As GOG has maintained during each of the depositions that have already
25 occurred, allowing additional depositions to proceed before GOG has the
26 opportunity to meaningfully participate in discovery is patently unfair.

27 Given the recent addition of GOG and Valve as new parties, the magnitude of
28 the documents produced prior to GOG’s addition to the case, and the additional

documents to be produced, a stay of party depositions is warranted. GOG should not have its ability to prepare for trial truncated by the other parties and a Scheduling Order entered before GOG's addition to the case. GOG intends to file a joinder to Stardock and Valve's Motion for a Protective Order (Dkt. 106) to stay depositions for 60 days and continue all trial deadlines and the trial itself, so that **all parties** in this case can fully and fairly participate in discovery and adequately prepare for trial.

Dated: February 7, 2019

FRANKFURT KURNIT KLEIN & SELZ PC

By: /s/ Jessica R. Medina
 Tricia L. Legittino
 Jessica R. Medina
 Attorneys for Counter-Defendant
 GOG Sp. z o.o. (incorrectly sued herein as
 GOG Limited and GOG Poland Sp. Z.o.o.)